

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re CALVIN S. LYNN,

Plaintiff

No. C 14-4016 PJH (PR)

**ORDER VACATING
DISMISSAL, REOPENING
CASE AND TRANSFERRING**

This civil rights case brought pro se by a state prisoner was dismissed without prejudice because plaintiff failed to file a complaint or a motion to proceed in forma pauperis. After the case was dismissed, plaintiff filed a complaint and an in forma pauperis application. Therefore, the case will be reopened and the court will review the complaint.

Plaintiff states that he was provided inadequate medical or denied medical services at four different facilities. Three of the facilities are located in the Eastern District of California and one facility is in the Southern District of California. Plaintiff is currently incarcerated in the Eastern District but presents no allegations of any conduct that occurred in this district. Because many of the allegations occurred in the Eastern District of California and he is incarcerated there, venue properly lies in that district and not in this one. See 28 U.S.C. § 1391(b).

CONCLUSION

1. The order of dismissal (Docket No. 10) is **VACATED** and this case is **REOPENED**.

2. This case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a). In view of the transfer, the court will not rule upon plaintiff's request for leave to proceed in forma pauperis.

IT IS SO ORDERED.

Dated: November 13, 2014.



PHYLLIS J. HAMILTON
United States District Judge

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